

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SW/S Greenspring Avenue * ZONING COMMISSIONER
1465' SE c/l Caves Road
11726 Greenspring Avenue * OF BALTIMORE COUNTY
3rd Election District
3rd Councilmanic District * Case No. 89-357-X
Pelayo E. Correa, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception from Section 1A04.2.B.10A for a physician's office as an accessory use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Elsa I. Correa, appeared and testified and was represented by G. Scott Barhight, Esquire. Also appearing on behalf of the Petitioner was Mr. George H. Pryor of Harris, Smariga and Matz, Inc., Luz J.E. Correa and Mr. Sandy Marenberg. There were a number of Protestants, namely, Mr. David Belz, Mr. and Mrs. A. Trammell, Mr. Charles Anderson, President of Chestnut Ridge Improvement Association, Mr. Gary Shapiro and Neal M. Brown, Esquire, who represented himself.

The Petitioner, Elsa I. Correa, is a registered medical psychiatrist with a practice based at Franklin Square Hospital and also in private practice. Her current private practice is operated in a commercial establishment along Security Boulevard in the Woodlawn section of Baltimore County. The subject property is known as lot #7 and consists of 2.323 acres of ground. The entire site is zoned R.C. 5 and all surrounding properties are likewise zoned R.C.5.

The subject site is a panhandle lot located approximately 150' from Greenspring Avenue. The Petitioner also owns the adjoining lot known as #11 and also the adjoining property known as 11712 Greenspring Avenue. All of these properties are contiguous and shown on Petitioner's Exhibit 1. The subject property is currently improved with a two story dwelling house with attached garage known as 11726 Greenspring Avenue. The currently existing dwelling house contains 4,139 sq. ft. of habitable space, according to Petitioner's Exhibit 1. Petitioner intends to place an addition to the rear of that house which would contain an additional 2,182 sq. ft., according to Petitioner's Exhibit 1. This additional square footage would be used partly for the proposed professional office in a residential dwelling unit and partly for additional residential purposes. The square footage numbers on the plan do not appear to justify correctly. There was no floor plan for the proposed use or the residential use placed into evidence. There is no possible way to test or review the exact extent of the office use.

The Petitioner has requested a special exception in the R.C.5 zone for an office or studio of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as accessory use, provided that any such office or studio is established within the same building as that serving as professional persons' primary residence; does not occupy more than 25% of the total floor area of the residence; and does not involve employment of more than one non-resident professional associate, nor two other non-resident employees. This use is traditionally referred to as a professional office in a residence.

-2-

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

The Petitioner proposes to operate this professional psychiatric medical office in part of the original structure and in either the basement or the first floor area of the addition. The testimony concerning the locations of the office space and Petitioner's Exhibit 1 are in contradiction. The Petitioner plans to operate the facility a maximum of 34 hours per week on a regular basis and additional time for emergency meetings. There is a proposed group practice which would probably fill approximately two hours of any given week with a maximum of five (5) individuals involved in the group practice.

Testimony establishes that there will be one non-resident secretarial employee and one non-resident professional associate (psychiatrist) and one resident non-professional employee involved in the normal operations of this medical office. The Petitioner stated that there will be no drugs stored on site or used at this location. The Petitioner also stated that her particular medical practice does not normally generate any medical or hazardous waste and, therefore, there would be no need for such items at this site.

The Petitioner's expert witness, Mr. George Pryor, testified extensively as to his opinion concerning the proposed professional physicians' office in the residence at this location. Most of Mr. Pryor's testimony went to establishing the criteria set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Mr. Pryor also testified as to his belief that the Petitioner's use was consistent with the requirements set forth in the B.C.Z.R. for a professional physician's office in a residence.

Mr. Pryor also testified as to his belief that the proposed special exception complies with all of the requirements set forth in

-3-

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

the definitional section for a professional physician's office as an accessory use in the residential home of the physician. He stated that he believed all of the requirements set forth in Section 502.1 of the B.C.Z.R. were complied with by this project. He also stated that he believed that the negative and undesirable attributes of this type of use located in a residential community in the R.C.5 zone were no different at this location than they would be at any other location within the R.C.5 zone.

The final witness for the Petitioner was Mr. Sandy Marenberg. He is a residential adjoining property owner to the Petitioner and is also the Petitioner's contractor for the addition. He testified that he believed the physician's office for the Petitioner would not be an adverse impact upon the community and neighborhood and he further testified that he believed the addition would be constructed in such a manner as to be esthetically acceptable to adjoining land owners. He also testified that he had no objection to the proposed development and, furthermore, he believed the proposed use was consistent with the property rights set forth in the B.C.Z.R.

The Protestants were represented by several adjoining land owners and by Mr. Charles Anderson, President of Chestnut Ridge Improvement Association. Mr. Anderson testified to the community association's opposition to this particular use and also specifically as to why he did not believe that the proposed use as outlined by the Petitioner complied with the requirements of Section 502.1.b.g. Specifically, Mr. Anderson believes that there will be additional congestion along Greenspring Avenue from the operation of a medical practice in the neighborhood. He was of the opinion that the ingress

-4-

and egress at this location due to the non-existence of street-side shoulders would make for a dangerous situation. Furthermore, he stated that the medical practice at this location was inconsistent with the primary objectives of the R.C.5 zone. He believes that the proposed medical office in this residence is inconsistent with the spirit and intent of the B.C.Z.R. for the R.C. 5 zone.

Mr. Anderson outlined the Community Association's objections to this proposal very articulately. The real issue of concern was the proposed expansion of the dwelling unit in order to incorporate a medical office of nearly 1200 sq. ft. within a residential community. Mr. Anderson did not believe that the spirit and intent of the B.C.Z.R. in establishing offices for physicians as an accessory use within the same building as their residence and not occupying more than 25% of that residence, should be interpreted to be proper when the residence is being expanded by approximately 2200 sq. ft. in order to accommodate a psychiatrist office of nearly 1200 sq. ft. Mr. Anderson stated that he believed that such use was inconsistent with the health, safety and general welfare of the public and as proposed at this particular location would be so detrimental as to be unacceptable and inconsistent with the criteria set forth in Section 502.1 of the B.C.Z.R.

Mr. Anderson's testimony was supported by the testimony of Mr. Trammell, Mr. Belz and Mr. Brown. They all testified in agreement with Mr. Anderson and also reiterated their opposition to this particular special exception on the grounds of traffic congestion and inherent safety needs along both Greenspring Avenue and along the Petitioner's driveway. The Protestants all testified to their

-5-

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

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By Mr. Barhight

dissatisfaction over the size and location of the parking area for the proposed medical facility. The Protestants were unanimous in their testimony in that they believed this particular proposal was inconsistent with the spirit and intent of the B.C.Z.R. and the specific regulations dealing with the creation of professional offices as an accessory use in the residence of the professional person in the R.C.5 zone.

The testimony and evidence clearly establishes that the Petitioner intends to use land in a manner consistent with the provisions for a special exception for a professional persons' primary residence and, not involving more than one non-resident professional associate and/or more than two other non-resident employees. Specifically, this request attempts to comply with the absolute letter of the law.

The real issue here is whether or not this proposal complies with the spirit and intent of the special exception professional office in a residence regulations. First and foremost, the Petitioners have offered absolutely no evidence to establish the confines of the exact use of this particular structure. There were no floor plans offered and no evidence establishing that the proposed professional medical office use would be limited to 25% of the structure. Secondly, the proposed addition to the existing residential structure is an overt attack upon the fundamental premise of the professional office in the residence. The purpose of this special exception is to afford to professional persons the right and opportunity to conduct their profession in an office or studio at home that is conducted in such a way as to be unoffensive to the residential community because of the limited size, scope and nature of the operation.

-6-

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

The Petitioner clearly has ignored the purpose for which this special exception has been created and has attempted to develop upon the land a structure large enough to accommodate a substantial full time professional, medical practice at this location. The proposed psychiatric treatment facility will be nearly 1200 sq. ft. and the Petitioner claims that she will be treating 1 individual at a time. This will afford the Petitioner a treatment office in excess of 500 sq. ft. and still allow for 700 sq. ft. of waiting rooms and miscellaneous support offices. This operation will be exceedingly large for a one physician operation. The Petitioner is constructing an addition to the home for this office. By its very construction, the addition is connected to the existing two story dwelling, however, it is not incorporated or made a part of that home in any fashion other than a connecting hallway. The addition could easily be a free standing structure completely independent of the existing dwelling unit. None of the outward evidence of this operation indicates that this professional office is incorporated into the basic residential nature of this structure or that it is being developed in such a manner as to be accessory to the residential use. Quite to the contrary, the size and scope of the addition and the overall development tends to indicate a secondary use of the land for professional physicians' offices not in concert with the residential use, but co-existing with the residential use.

An accessory use is specifically defined in the B.C.Z.R. as a use which is customarily incident and subordinate to the principal use and also serves the principal use. The accessory use is required

-7-

ORDER RECEIVED FOR FILING
Date 4/24/89
By Mr. Barhight

to be subordinate in area extent and purpose to the principal use and is to be subordinate to the principal structure. In this particular case, the proposed addition is neither subordinate in area or extent to the existing dwelling unit. It is nearly 40% of the existing structure and its sole purpose is to allow for a much larger overall professional office use than could be attained if the office was constructed within the perimeters of the existing dwelling unit. The actual proposed placement of the structure and the divorcing of the professional office use from the residential portion of the property are an exact contradiction to the requirements that the accessory use be subordinate to and serve the principal use and/or structure.

It is not inappropriate to place an addition upon a residential home in order to facilitate a professional office as an accessory use in a residence. However, when reviewing this case, in light of the concepts set forth in Schultz v. Pritts, requiring a review of the circumstances involved in the request made in this particular special exception, it is abundantly clear to me that this particular request given its size, scope and nature of operation, is inconsistent with the definitional section for the R.C.5 zone for allowing special exception for a professional office or studio as an accessory use in a residence.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 20th day of April, 1989 that the Petition for Special Exception from Section 1A04.2.B.10A for a physician's

-8-

office as an accessory use, as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel
Scott Barhight, Esquire
Mr. George H. Pryor, Harris, Smariga and Matz, Inc.
Mr. Sandy Marenberg
Mr. David Belz
Mr. and Mrs. A. Trammell
Mr. Neal M. Brown
Mr. Charles R. Anderson
Mr. Gary Shapiro

ORDER RECORDED FOR FILING
D-18
By *J. Robert Haines*
1/17/90

-9-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 17, 1989



Dennis F. Rasmussen
County Executive

G. Scott Barhight, Esquire
Lafayette Building, Suite 300
40 West Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Special Exception
Case #89-357-X
Pelayo E. Correa, et al, Petitioners

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel
Mr. George H. Pryor, Harris, Smariga and Matz, Inc.
Mr. Sandy Marenberg
Mr. David Belz
Mr. and Mrs. A. Trammell
Mr. Neal M. Brown
Mr. Charles R. Anderson
Mr. Gary Shapiro

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Physician office as an accessory use pursuant to Baltimore County Zoning Regulations, Section 1A04.2.B.10A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Towson, Maryland: 21204

Attorney's Telephone No.: 832-2050

Legal Owner(s):

Pelayo E. Correa

(Type or Print Name)

Signature

Elsa I. Correa

(Type or Print Name)

Signature

Address

City and State

11726 Greenspring Avenue

Address

Lutherville, Maryland 21093

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

G. Scott Barhight

40 West Chesapeake Avenue

Towson, MD 21204

Address

832-2050

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of JAN, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of MARCH, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

Description
2.323 Acres of Land
Page 2

degrees 43 minutes 02 seconds East 212.81 feet, (15) South 47 degrees 47 minutes 53 seconds East 70.00 feet, (16) South 87 degrees 01 minutes 58 seconds East 30.30 feet, (17) North 42 degrees 12 minutes 07 seconds East 179.51 feet, (18) Northerly by a curve to the left with a radius of 150.00 feet, the arc distance of 105.43 feet, (19) North 01 degrees 55 minutes 46 seconds East 76.37 feet, and (20) Northerly by a curve to the right with a radius of 97.51 feet the arc distance of 77.12 feet to the southwest side of said Green Spring Avenue, thence binding thereon (21) North 42 degrees 45 minutes 17 seconds West 15.00 feet to the place of beginning.

CONTAINING 2.323 acres of land.

RWB/raz RSM Job No.: 40223 December 6, 1988



Mr. J. Robert Haines
Zoning Commissioner
Room 109, County Office Building
West Chesapeake Avenue
Towson, MD 21204

Box 238
Owings Mills, MD 21117
April 4, 1989

Re: Case 89-357-X
Special Exception for a
Physician's Home Office
Dr. Elsa I. Correa
11726 Greenspring Ave.

Dear Commissioner Haines:

Dr. Elsa Correa's request for a Special Exception in order to establish and maintain a psychiatrist's office has caused a great deal of consternation within our RC5 zoned community. Examination of her proposal, including written correspondence and a meeting with the doctor and her attorney, has led the Chestnut Ridge Improvement Association to conclude that granting Dr. Correa's request would violate the conditions specified in section 502.1 of the Zoning Code of Baltimore County, specifically subsections (b) and (g).

This area is rural in nature, consisting primarily of residences and farmland. Every special exception granted that permits commercial use of a property threatens to alter the purpose of RC5 zoning. For this very reason, the accessory use of a home as a physician's office is not a use permitted as a matter of right. Dr. Correa's proposal is alarming in that she intends to use her home as the sole or primary site of her private practice, with long office hours during the week and additional hours on Saturday. This full time operation seems to take this proposed home office beyond the zoning code's term of "accessory use". Dr. Correa's use of her home as a residence might become the accessory use of her office site if her request is granted.

The potential volume of patients seen by Dr. Correa and her "professional associate" raises concerns regarding congestion in and around her office site. She has indicated that she will be seeing patients in groups of four or five, as well as on an individual basis. With office hours extending into the evening many people may be going in and out of Dr. Correa's driveway daily.

Dr. Correa's plan to add an addition to her existing structure, thus expanding the square footage permissible as office space under the special exception zoning ordinance, appears to violate the spirit and intent of the zoning regulations permitting a home office. The special exception zoning ordinance clearly intended the establishment of a home office within the existing dwelling as an "accessory use". Dr. Correa's creative proposal will result in the building of an office complex adjacent to her residence, which does not meet the spirit and intent of the zoning regulation.

PROTESTANT'S
EXHIBIT 1

2 - Mr. J. Robert Haines, April 4, 1989

Many people are attracted to the rural, residential character of this area which is threatened by granting requests for special exceptions such as Dr. Correa's. In some parts of Chestnut Ridge there are streets where every house is occupied by a professional. If every one of these residents was granted a special exception for a home office in an office complex adjacent to their home, the entire area would become a vast commercial/office complex. Thus, Dr. Correa's proposal would set a dangerous precedent if granted. This is not consistent with the purpose of the property's zoning classification.

For these reasons the Chestnut Ridge Improvement Association is opposed to Dr. Elsa Correa's request for a special exception for a physician's home office.

Sincerely,

Charles R. Anderson
Charles R. Anderson
President

CERTIFICATE
The undersigned hereby certify to the Zoning Commissioner of Baltimore County:

(1) Charles R. Anderson is the duly elected President, and Marilyn Shapiro is the duly elected Secretary of the Chestnut Ridge Improvement Association.

Dated: April 5, 1989

Attest:

Marilyn Shapiro
Marilyn Shapiro
Secretary

Charles R. Anderson
Charles R. Anderson
President

AFFIDAVIT

The undersigned hereby solemnly affirm, under penalties of perjury, that Charles R. Anderson is currently a duly elected member of the board of directors of the Chestnut Ridge Improvement Association.

Dated: April 5, 1989

Attest:

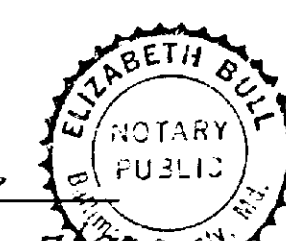
Marilyn Shapiro
Marilyn Shapiro
Secretary

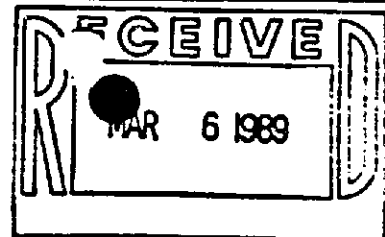
Charles R. Anderson
Charles R. Anderson
President

I HEREBY CERTIFY that on April 5, 1989, before me, a Notary Public of the State of Maryland, personally appeared Charles R. Anderson, who acknowledged himself to be the President of the Chestnut Ridge Improvement Association and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing his name as such officer.

WITNESS my hand and Notarial Seal.

Elizabeth B. Bice
Elizabeth B. Bice
Notary Public
My Commission Expires: 7/80





11801 Greenspring Avenue
Owings Mills, MD 21117
March 2, 1989

Mr. G. Scott Barhight
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Barhight: Re: Dr. Elsa I. Correa
11726 Greenspring Avenue
Special Exception for
Physician Home Office

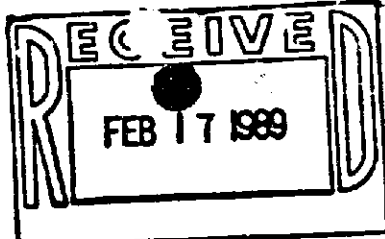
Please be advised that for several reasons in addition to those outlined in my February 14, 1989 letter to you, our Board of Directors voted at a meeting last night to oppose Dr. Correa's special exception for a physician's home office as planned.

Very truly yours,

Charles R. Anderson
Charles R. Anderson
President

cc: Lisa Keir
M. Shapiro

**PETITIONER'S
EXHIBIT 2**



Phone Number - 252-1856
11801 Greenspring Avenue
Owings Mills, MD 21117
February 14, 1989

Mr. G. Scott Barhight
300 Lafayette Building
40 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Barhight: Re: Dr. Elsa I. Correa
11726 Greenspring Avenue
Special Exception for
Physician Home Office

Thank you for your above referenced letter dated January 10, 1989. Please pardon my delayed reply. I was out of the country most of January.

The two concerns that we would like you to address concerning this special exception pertain to lighting and parking. If the number of "mushroom" lights are limited in number and brightness, they should not take on the appearance of a commercial entrance or be offensive to the neighbors. We would appreciate your consideration of this matter.

Our second concern pertains to the number of parking spaces and the screening indicated on your plan. The number of spaces appears to be excessive. A parking lot 100' long and 35' wide would give a residential home the appearance of a commercial area. The elimination of several spaces could permit a planted area within the parking lot to visually reduce the expanse of the pavement. A six feet wide space between the parking and property line seems inadequate for the planting of white pines to provide a screen from Greenspring Avenue. The planted screen should also be extended to the south several more parking spaces to reduce the visual impact of the parking lot from motorists travelling south on Greenspring Avenue. Some planting should also be performed at the northeast side of the parking lot to provide some screening for the neighbor at 11714 Greenspring Avenue.

**PETITIONER'S
EXHIBIT 3**



2 - Mr. G. Scott Barhight, February 14, 1989

Your consideration of these concerns prior to the special exception hearing will be appreciated.

Very truly yours,

Charles R. Anderson
Charles R. Anderson
President

cc: Lisa Keir
M. Shapiro

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Scott Barhight

GEORGE H. PRIOR

ELSA CORREA

SANDY HARENBERG

LISA T. CORREA

ADDRESS

40 W. Chesapeake Ave

Towson, MD 21204

HARDIS, SHARIEA & MATEO, INC

PIKEVILLE, MD

11726 GREENSPRING AVE

2119 CAMES ROAD

OWINGS MILLS, MD 21117

11726 GREENSPRING AVE

LUTHERVILLE, MD 21039

89-357X

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
DAVID BELZ

AELUS TRAMMELL

Evelyn Trammell

Neal M. Brown

Charles R. Anderson

Gay Shapiro

Evelyn D. Trammell

ADDRESS

11710 GREENSPRING AVENUE

11714 Greenspring Ave.

11712 Greenspring Ave

11711 Greenspring Ave.

11713 Greenspring Ave.

11714 Greenspring Ave

APRIL 6

ZONING ADVISORY HEARING COMMENTS
OFFICE OF PLANNING
HEARING 4/6/89

Case # 89-355 SPH
ITEM # 254

NO COMMENT

Case # 89-357
ITEM # 261

Area Planner:
"OP2 does not support or oppose this S.E. request, however, should the hearing officer determine that it does meet the regulations of Sec. 407 that the property be restricted to be designed to be architecturally compatible with the existing home and that it have an outward appearance of a residence."
Current Planning:
"If it were to be granted we think the parking is excessive and the parking area should be screened from the adjacent residential area."

Case #89-358-A
ITEM # 262

NO COMMENT

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 3/17/89
Posted for: Relays E. & Elsa Correa
Petitioner: Relays E. & Elsa Correa
Location of property: 11726 Greenspring Ave. 11726 Greenspring Ave.
Location of Signs: 11726 Greenspring Ave. 11726 Greenspring Ave.
Remarks: at 11726 Greenspring Ave. 11726 Greenspring Ave.
Posted by: DP/Healy Date of return: 3/24/89
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 2-13-89
Posted for: Special Exception
Petitioner: Relays E. & Elsa Correa et al
Location of property: S.W. side of Greenspring Avenue 11726 S.E.
Location of Signs: at the S.W. side of Greenspring Avenue 11726 S.E.
Remarks: at the S.W. side of Greenspring Avenue 11726 S.E.
Posted by: DP/Healy Date of return: 2-17-89
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494.3353
J. Robert Haines
Zoning Commissioner

February 27, 1989

NOTICE OF REASSIGNMENT

CASE NUMBER 89-357-X
PETITIONER(S) Pelso E. Correa, et ux
LOCATION 11726 Greenspring Avenue

THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON
March 8, 1989, HAS BEEN REASSIGNED.
THE NEW HEARING DATE IS Thursday, April 6, 1989 at 2:00 p.m.

COPIES TO:

Pelso E. Correa, et ux
G. Scott Barhight, Esq.

CERTIFICATE OF PUBLICATION

TOWSON, MD, February 20, 1989.
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 16, 1989.

THE JEFFERSONIAN,

S. Zeki Orlov
Publisher

PC 09758
reg M35263
price \$95.29

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petitioner: Pelso E. Correa, et ux
Case number: 89-357-X
Special Exception: 11726 Greenspring Avenue
11726 Greenspring Avenue
11726 Greenspring Avenue
3rd Election District
3rd Councilmanic District
Petitioner(s):
Pelso E. Correa, et ux
Hearing Date: Wednesday, March 8, 1989 at 2:00 p.m.
Special Exception: A physical use as an accessory use pursuant to Baltimore County Zoning Regulations, Section 14A-2.8.104.
It is to be noted that this Petition is granted a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, consider any request for a stay of the issuance of said permit during the period for good cause. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2243 Feb. 16

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
434-3353

J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Mr. & Mrs. Pelayo E. Correa
11726 Greenspring Avenue
Luttrellsville, Maryland 21083

Re: Petition for Special Exception
Case Number: 89-357-X
Hearing Date: Wednesday, March 8, 1989 at 2:00 p.m. 4/4/89

Dear Mr. & Mrs. Correa:

Please be advised that 4/10/89 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: G. Scott Barhight, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
434-3353

J. Robert Haines
Zoning Commissioner

February 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-357-X
50/5 Greenspring Avenue, 1465' SE c/l Caves Road
11726 Greenspring Avenue
3rd Election District - 3rd Councilmanic
Petitioner(s): Pelayo E. Correa, et ux
HEARING SCHEDULED: WEDNESDAY, MARCH 8, 1989 at 2:00 p.m.

Special Exceptions A physician's office as an accessory use pursuant to Baltimore County Zoning Regulations, Section 1404.2.B.10A.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Correa
G. Scott Barhight, Esq.
File

89-357-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
4th day of January, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Pelayo E. Correa, et ux
Petitioner's Attorney: G. Scott Barhight, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

G. Scott Barhight, Esquire
300 Lafayette Building
40 West Chesapeake Avenue
Towson, MD 21204

RE: Item No. 261, Case No. 89-357-X
Petitioner: Pelayo E. Correa, et ux
Petition for Special Exception

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

January 17, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 210, 259, 260, 261, 262, 263, and 265.

Richard S. Flanagan
Richard S. Flanagan
Traffic Engineer Associate II

MSP/lvw

Baltimore County
Fire Department
Towson, Maryland 21204-2586
434-4500

Paul H. Reincke
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Pelayo E. Correa, et ux

Location: SW/S Greenspring Avenue, 1,465' SE of c/l of Caves Rd.
Item No.: 261

Zoning Agenda: Meeting of 1/3/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly*
Planning Group
Special Inspection Division

NOTED & APPROVED: *John E. O'Neill*
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 24, 1989
FROM: Robert W. Bowling, P.E.
RE: Meeting of January 3, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for Items 210, 259, 261, 262, 263, and 265.

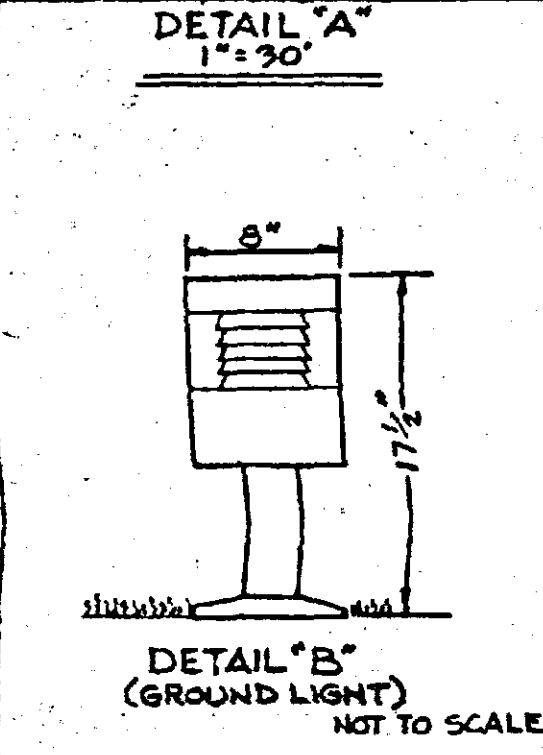
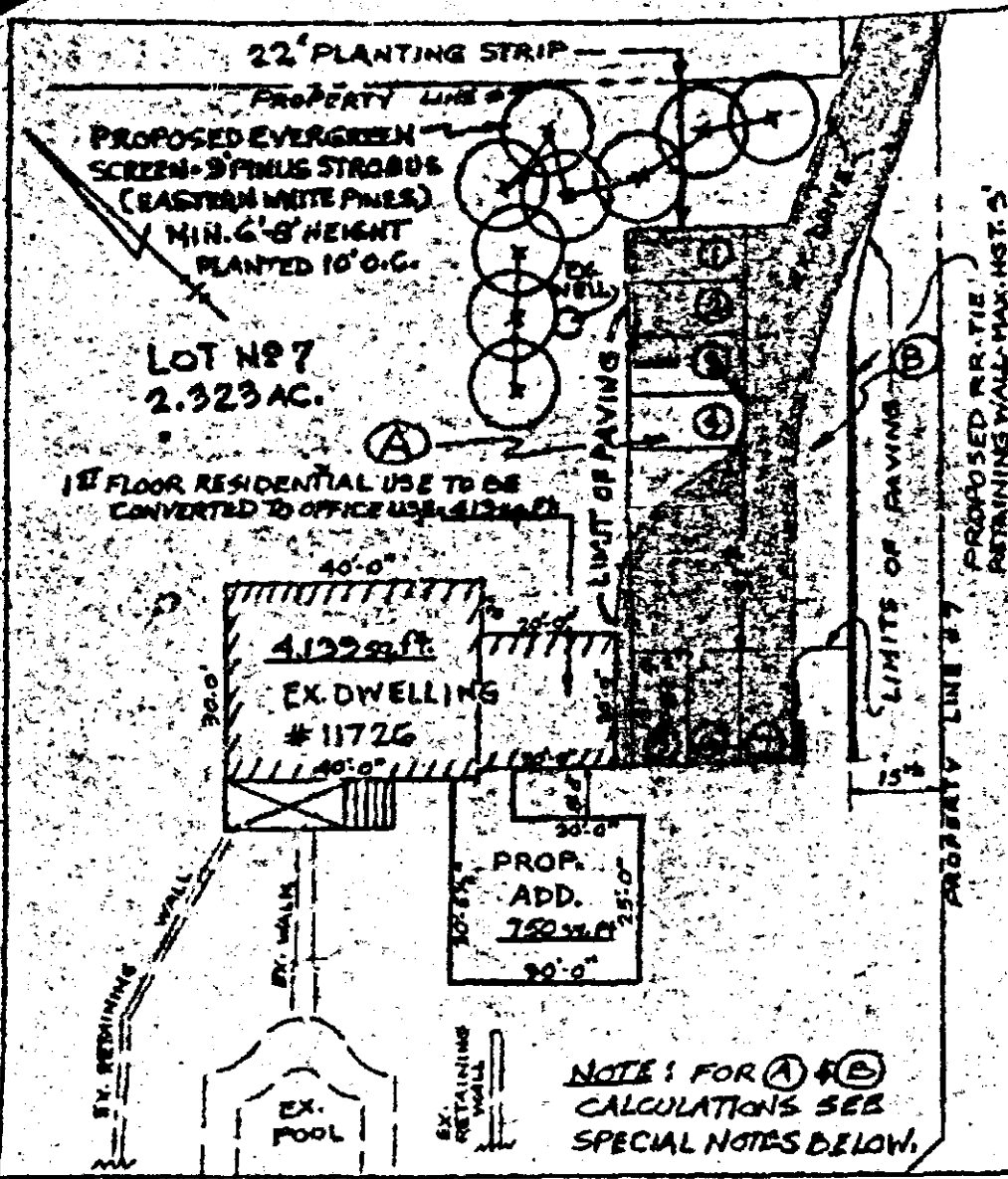
For Item 260, The Trustees of Mount Carmel Methodist Episcopal Church the following comment applies:

Mt. Carmel Road is a State Road. Prettyboy Dam Road is an existing County road, which shall ultimately be improved as a 40-foot cross-section on a 60-foot right-of-way. The property owner is responsible to dedicate the right-of-way and necessary slope easements, at no cost to the County.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.



SPECIAL NOTES

- PROPOSED PAVING
 - 195 sq. ft.
 - 360 sq. ft.
 - TOTAL = 555 sq. ft. (0.013 AC)
 - DISTURBED AREA - PROP. PAVING & CONSTRUCTION
 - 555 sq. ft. - NEW PAVING
 - 820 sq. ft. - BLDG ADDITION
 - TOTAL = 1,375 sq. ft. - NEW DISTURBED AREA
- THE BALTIMORE COUNTY STORMWATER MANAGEMENT POLICY & DESIGN MANUAL - ADOPTED AUG. 6, 1984 BILL NO. 105-84 PROVIDES FOR EXEMPTIONS FROM STORMWATER MANAGEMENT PROCEDURES
- SECTION 2-150.3(b)(2) ADDING 1/4 MODIFICATIONS TO EXIST. SINGLE-FAMILY DWELLINGS.
- SECTION 2-150.3(b)(3) - DEVELOPMENT WHICH DOES NOT DISTURB OVER 5,000 sq. ft. OF LAND AREA.

REVISIONS:

2-27-82 REMOVE PARKING SPACES NOS 1 & 2

INCREASE LANDSCAPING - ADD LIGHTING NOTE

3-23-83 REDUCE PARKING TO 7 SPACES - ADD GROUND LIGHTS - REMOVE NOTE

Harris • Smariga • Matz, Inc.

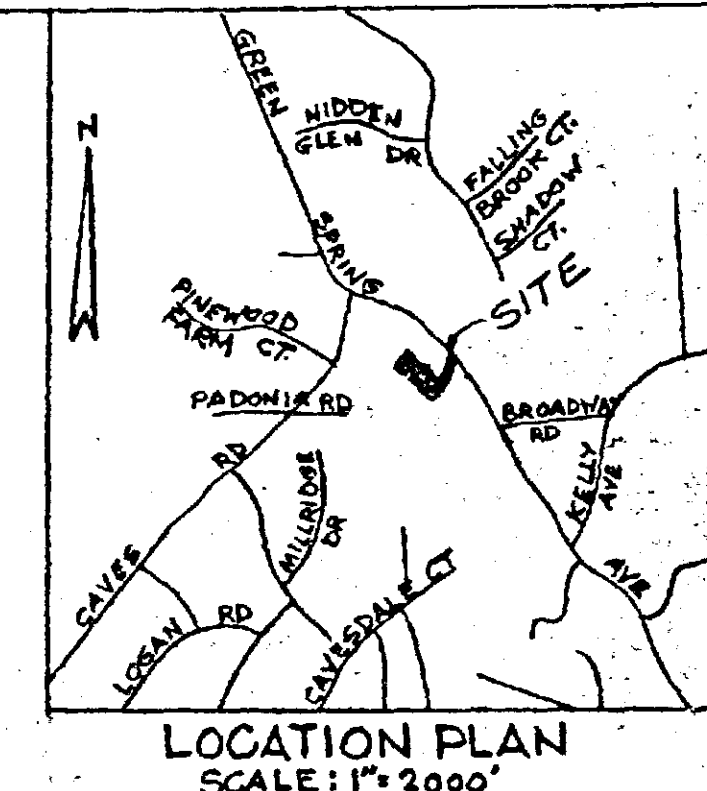
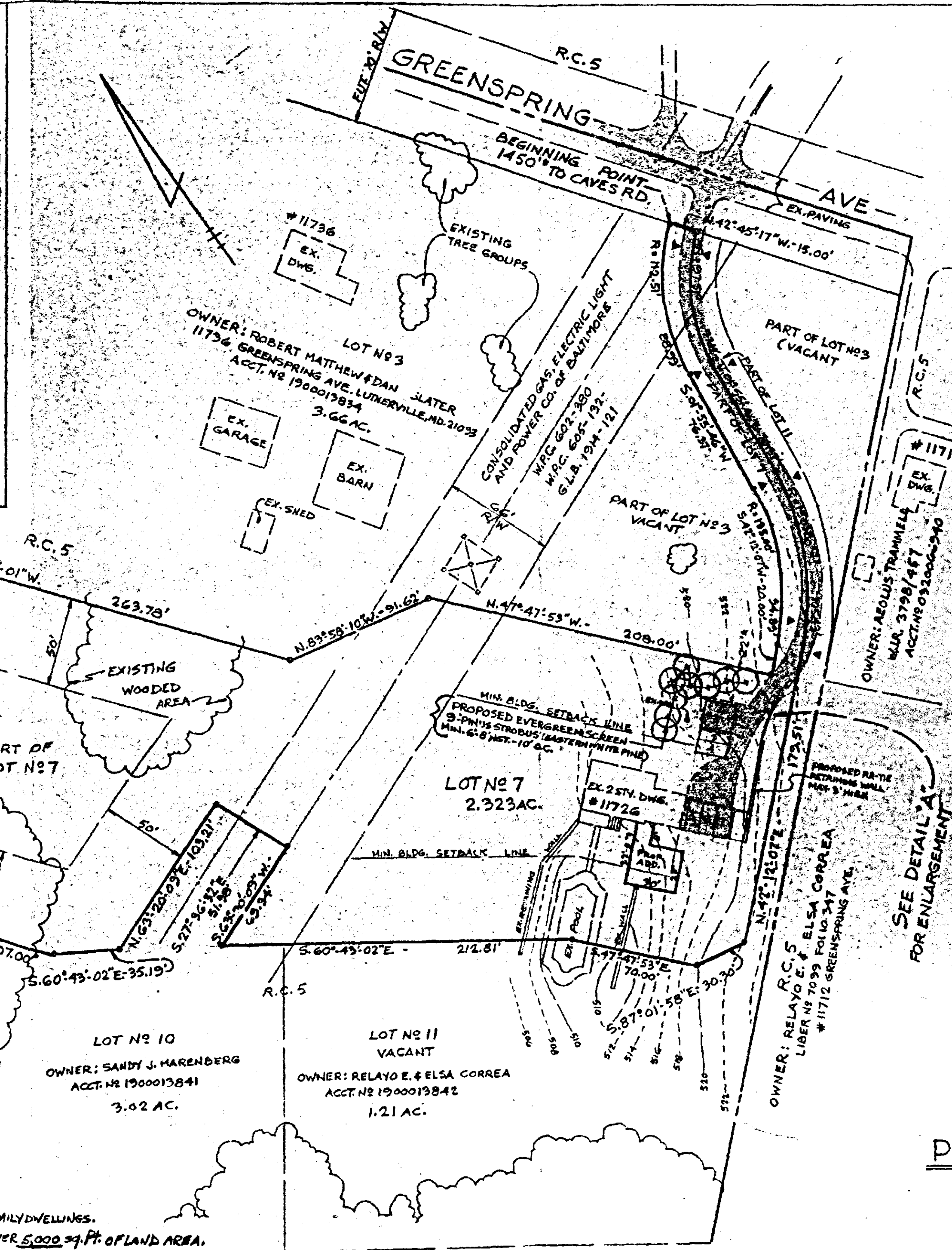
115 B Sudbrook Lane

Pikesville, Maryland 21208

Civil Engineers • Land Planners

Surveyors • Landscape Architects

(301) 486-1511



- ### LEGEND
- EXISTING BUILDINGS SHOWN THUSLY
 - EXISTING PAVING SHOWN THUSLY
 - EXISTING TOPOGRAPHY SHOWN THUSLY
 - PROPOSED BUILDING ADDITION SHOWN THUSLY
 - LOW-LEVEL (GROUND) LIGHTING SHOWN THUSLY (PROPOSED) SEE DETAIL "B"
- ### GENERAL NOTES
- THE SUBJECT LOT (N17) IS PART OF THE 1ST AMENDED PLAT OF "CAVES POINT" - RECORDED 11-30-84 IN UBER ENK. JR. 52-FOLIO 44.
 - THE SUBJECT LOT (N17) IS 2.323 ACRES.
 - THE SUBJECT LOT (N17) IS ZONED R.C.5. ALL ADJACENT PROPERTIES ARE ZONED R.C.5.
 - EXISTING TOPOGRAPHY, AS SHOWN ON LOT 7, WAS FIELD-RUN BY HARRIS, SMARIGA & MATZ IN OCTOBER, 1983.
 - PUBLIC UTILITIES ARE NOT AVAILABLE TO THE SITE.
 - THERE ARE NO STREAMS WITHIN 200' OF THE SITE.
 - PROPOSED LANDSCAPING AS SHOWN - DETAIL "A"
 - EXISTING & PROPOSED:
 - EXISTING 2 STORY DWELLING W/ BASEMENT = 4,195 sq. ft. - RESIDENTIAL
 - PROPOSED ADDITION - FINISHED BASEMENT = 750 sq. ft. - RESIDENTIAL
 - 2ND FLOOR = 682 sq. ft. - RESIDENTIAL
 - 1ST FLOOR = 750 sq. ft. - OFFICE USE
 - TOTAL RESIDENTIAL USE (EX. DWG. + ADDITION) = 5,577 sq. ft.
 - ALLOWABLE OFFICE USE: 25% = (5,577 / 4) = 1,394 sq. ft. - OFFICE USE
 - PROPOSED OFFICE USE: 1ST FLOOR ADDITION - 750 sq. ft. - OFFICE USE
 - 1ST FLOOR CONVERSION - 419 sq. ft. - OFFICE USE
 - PROPOSED: TOTAL OFFICE (DOCTOR) SPACE = 1,169 sq. ft. - OFFICE USE
 - PARKING:
 - FOR DWELLINGS - 2/DWELLING = 2 SPACES
 - FOR OFFICE USE - 45/1000 = 5 SPACES
 - REQUIRED - TOTAL PARKING REQUIRED = 7 SPACES
 - PROPOSED - TOTAL PARKING PROPOSED = 7 SPACES
 - ALL PARKING AREAS TO BE PAVED WITH MACADAM OR BITUMINOUS CONCRETE.

PLAT FOR ZONING PURPOSES

FOR

LOT NUMBER 7 - "CAVES POINT"
KNOWN AS N11726 GREENSPRING AVENUE.
3RD ELECTION DISTRICT - BALTIMORE COUNTY, MD.

PETITIONER'S EXHIBIT 1

DATE: 12-15-88
SCALE: 1" = 50'
NSM # 40223

PETITIONER/PROPERTY OWNER

LOT #7 - RELAYO E. & ELSA CORREA

11726 GREENSPRING AVENUE

OWINGS MILLS, MD. 21095

ACCT. NO. 1900013838

